

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

Lordstown Motors Corp, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

**NOTICE OF AGENDA OF MATTERS SCHEDULED FOR HEARING  
ON OCTOBER 18, 2023 AT 10:30 A.M. (ET)**

**THE REMOTE HEARING WILL BE CONDUCTED ENTIRELY BY ZOOM AND  
REQUIRES ALL PARTICIPANTS TO REGISTER IN ADVANCE. COURTCALL  
WILL NOT BE USED TO DIAL IN. PLEASE USE THE FOLLOWING LINK TO  
REGISTER FOR THE HEARING:**

<https://debuscourts.zoomgov.com/meeting/register/vJIsfuGsrzMvHiultMQ7OI4t20Su6Fopx2M#/registration>

**ONCE REGISTERED, PARTIES WILL RECEIVE A CONFIRMATION EMAIL  
CONTAINING PERSONAL LOG-IN INFORMATION FOR THE HEARING.**

**I. RESOLVED MATTER:**

1. Debtors' Application for an Order Authorizing the Retention and Employment of Winston & Strawn, LLP as Special Litigation Counsel, Effective as of August 15, 2023 [[Docket No. 417](#) – filed September 12, 2023]

Response/Objection Deadline: September 26, 2023 at 4:00 p.m. (ET)

Responses/Objections Received: None.

Related Documents

- i. Certification of Counsel Concerning Order Pursuant to Section 327(e) of the Bankruptcy Code Authorizing the Employment and Retention of Winston & Strawn LLP as Debtors Special Litigation Counsel, Effective as of August 15, 2023 [[Docket No. 498](#) – filed October 2, 2023]

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<sup>1</sup> The Debtors and the last four digits of their respective taxpayer identification numbers are: Lordstown Motors Corp. (3239); Lordstown EV Corporation (2250); and Lordstown EV Sales LLC (9101). The Debtors' service address is 27000 Hills Tech Ct., Farmington Hills, MI 48331.

- ii. Order Pursuant to Section 327(e) of the Bankruptcy Code Authorizing the Employment and Retention of Winston & Strawn LLP as Debtors' Special Litigation Counsel, Effective as of August 15, 2023 [[Docket No. 508](#) – entered October 4, 2023]

Status: On October 4, 2023, the Court entered an order resolving this matter. Accordingly, a hearing on this matter is no longer necessary.

- 2. Debtors' Motion for Entry of an Order Extending the Deadline by Which Debtors May File Notices to Remove Actions [[Docket No. 466](#) – filed September 22, 2023]

Response/Objection Deadline: October 6, 2023 at 4:00 p.m. (ET)

Responses/Objections Received: None.

Related Documents

- i. Certificate of No Objection Regarding Debtors' Motion for Entry of an Order Extending the Deadline by Which Debtors May File Notices to Remove Actions [[Docket No. 544](#) – filed October 12, 2023]
- ii. Order Extending the Deadline by Which Debtors May File Notices to Remove Actions [[Docket No. 555](#) – entered October 16, 2023]

Status: On October 16, 2023, the Court entered an order resolving this matter. Accordingly, a hearing on this matter is no longer necessary.

**II. ADJOURNED/RESCHEDULED MATTER:**

- 3. Debtors' Motion for Entry of an Order (I) Approving the Disclosure Statement and the Form and Manner of Notice, (II) Approving Plan Solicitation and Voting Procedures, (III) Approving Forms of Ballots, (IV) Approving Form, Manner, and Scope of Confirmation Notice, (V) Establishing Certain Deadlines in Connection with Approval of the Disclosure Statement and Confirmation of the Plan, and (VI) Granting Related Relief [[Docket No. 467](#) – filed September 22, 2023]

Response/Objection Deadline: October 6, 2023 at 4:00 p.m. (ET)

Responses/Objections Received:

- A. Objection by the U.S. Securities and Exchange Commission to Debtors' Motion to Approve Disclosure Statement, Plan and Solicitation Procedures, Forms and Ballots and Other Relief, and Reservation of Rights [[Docket No. 522](#) – filed October 6, 2023]

- B. Lead Plaintiff's Objection to the Debtors' Disclosure Statement and Disclosure Statement Motion [[Docket No. 525](#) – filed October 6, 2023]
- C. Delaware Class Plaintiffs' Objection to Debtors' Motion for Entry of an Order (I) Approving the Disclosure Statement and the Form and Manner of Notice, (II) Approving Plan Solicitation Approving Plan Solicitation and Voting Procedures, (III) Approving Forms of Ballots, (IV) Approving Form, Manner, and Scope of Confirmation Notice, (V) Establishing Certain Deadlines in Connection with Approval of the Disclosure Statement and Confirmation of the Plan, and (VI) Granting Related Relief [[Docket No. 526](#) – filed October 6, 2023]
- D. Objection of Foxconn Parties to Debtors' Disclosure Statement with Respect to Joint Chapter 11 Plan of Lordstown Motors Corp. and Its Affiliated Debtors [[Docket No. 528](#) – filed October 6, 2023]
- E. Objection of Ride Investor Group to Approval of the Debtors' Disclosure Statement [[Docket No. 529](#) – filed October 6, 2023]
- F. Objection of the United States Trustee to Approval of Disclosure Statement and Solicitation Procedures [[Docket No. 537](#) – filed October 10, 2023]

Related Documents:

- i. Joint Chapter 11 Plan of Lordstown Motors Corp. and Its Affiliated Debtors [[Docket No. 360](#) – filed September 1, 2023]
- ii. Disclosure Statement Pursuant to 11 U.S.C. Section 1125 with Respect to Joint Chapter 11 Plan of Lordstown Motors Corp. and Its Affiliated Debtors [[Docket No. 361](#) – filed September 1, 2023]
- iii. Notice of Hearing to Consider Approval of Disclosure Statement for the Joint Chapter 11 Plan of Lordstown Motors Corp. and Its Affiliated Debtors [[Docket No. 362](#) – filed September 1, 2023]
- iv. Notice of Rescheduled Hearing to Consider Approval of Disclosure Statement for the Joint Chapter 11 Plan of Lordstown Motors Corp. and its Debtor Affiliates [[Docket No. 539](#) – filed October 11, 2023]

Status: This matter has been rescheduled for the hearing set for October 25, 2023 at 2:00 p.m. (ET).

**III. MATTERS UNDER CERTIFICATION:**

- 4. Application for Order Authorizing the Employment and Retention of Brown Rudnick LLP as Counsel for the Official Committee of Equity Holders of

Lordstown Motors Corp., *et al.*, *Nunc Pro Tunc* to September 7, 2023 [[Docket No. 477](#) – filed September 27, 2023]

Response/Objection Deadline: October 11, 2023 at 4:00 p.m. (ET)

Responses/Objections Received: Informal comments from the U.S. Trustee

Related Documents:

- i. Declaration of Andrew L. Sole, on Behalf of Esopus Creek Value Series Fund LP - Series “A”, as Chairperson of the Official Committee of Equity Holders of Lordstown Motors Corp., *et al.*, in Support of the Application for Order Authorizing the Employment and Retention of Brown Rudnick LLP as Counsel Therefor, *Nunc Pro Tunc* to September 7, 2023 [[Docket No. 549](#) – filed October 12, 2023]
- ii. Certification of Counsel Regarding Application for Order Authorizing the Employment and Retention of Brown Rudnick LLP as Counsel for the Official Committee of Equity Security Holders of Lordstown Motor Corp., *et al.*, *Nunc Pro Tunc* to September 7, 2023 [[Docket No. 550](#) – filed October 14, 2023]

Status: On October 14, 2023, the Committee filed a certification of counsel resolving the informal comments of the U.S. Trustee. Accordingly, a hearing on this matter is only required to the extent the Court has any questions on concerns.

5. Application for Entry of an Order Authorizing the Retention and Employment of Morris James LLP as Delaware Counsel to the Official Committee of Equity Security Holders *Nunc Pro Tunc* to September 7, 2023 [[Docket No. 478](#) – filed September 27, 2023]

Response/Objection Deadline: October 11, 2023 at 4:00 p.m. (ET)

Responses/Objections Received: None

Related Documents:

- i. Certificate of No Objection Regarding Application for Entry of an Order Authorizing the Retention and Employment of Morris James LLP as Delaware Counsel to the Official Committee of Equity Security Holders *Nunc Pro Tunc* to September 7, 2023 [[Docket No. 551](#) – filed October 14, 2023]

Status: On October 14, 2023, the Committee filed a certificate of no objection in connection with this matter. Accordingly, a hearing with respect to this

matter is only required to the extent that the Court has any questions or concerns.

6. Application for Entry of an Order Authorizing the Retention and Employment of M3 Advisor Partners, LP as Financial Advisor to the Official Committee of Equity Security Holders *Nunc Pro Tunc* to September 7, 2023 [[Docket No. 479](#) – filed September 27, 2023]

Response/Objection Deadline: October 11, 2023 at 4:00 p.m. (ET)

Responses/Objections Received: None

Related Documents:

- i. Certificate of No Objection Regarding Application for Entry of an Order Authorizing the Retention and Employment of M3 Advisor Partners, LP as Financial Advisor to the Official Committee of Equity Security Holders *Nunc Pro Tunc* to September 7, 2023 [[Docket No. 552](#) – filed October 14, 2023]

Status: On October 14, 2023, the Committee filed a certificate of no objection in connection with this matter. Accordingly, a hearing with respect to this matter is only required to the extent that the Court has any questions or concerns.

7. Debtors' Motion to Extend the Debtors' Exclusive Periods to File and Solicit Votes on a Chapter 11 Plan [[Docket No. 515](#) – filed October 4, 2023]

Response/Objection Deadline: October 11, 2023 at 4:00 p.m. (ET)

Responses/Objections Received: None

Related Documents:

- i. Certificate of No Objection Regarding Debtors' Motion to Extend the Debtors' Exclusive Periods to File and Solicit Votes on Chapter 11 Plan [[Docket No. 556](#) – filed October 16, 2023]

Status: On October 16, 2023, the Debtors filed a certificate of no objection in connection with this matter. Accordingly, a further hearing with respect to this matter is only required to the extent that the Court has any questions or concerns.

**IV. UNCONTESTED MATTER GOING FORWARD:**

8. Motion of the U.S. Securities and Exchange Commission for Order Extending Time to Take Action, to the Extent Necessary, to Determine the Dischargeability of a Debt to a Governmental Unit Pursuant to 11 U.S.C. §§ 1141(d)(6) [[Docket No. 503](#) – filed October 3, 2023]

Response/Objection Deadline: October 11, 2023 at 4:00 p.m. (ET)

Responses/Objections Received: None.

Related Documents: None.

Status: No objections or responses have been filed or received and the Commission will request at the hearing that the Court enter an order granting the motion.

**V. CONTESTED MATTERS GOING FORWARD:**

9. Debtors' Motion for Entry of an Order (I) (A) Establishing Bidding and Auction Procedures, (B) Scheduling Certain Dates With Respect Thereto, (C) Approving the Form and Manner of Notice Thereof, (D) Approving Contract Assumption and Assignment Procedures, and (E) Granting Other Related Relief; and (II) (A) Authorizing the Debtors to Enter into a Definitive Purchase Agreement and (B) Granting Other Related Relief [[Docket No. 16](#) – filed June 27, 2023]

Response/Objection Deadline: October 5, 2023 at 4:00 p.m. (ET); extended for the United States to October 11, 2023.

Responses/Objections Received:

- A. Informal comments from the U.S. Trustee
- B. Limited Objection and Reservation of Rights of Workhorse Group Inc. to the Proposed Sale of Substantially All of the Debtors' Assets to the Successful Bidder [[Docket No. 424](#) – filed September 14, 2023]
- C. Lead Plaintiff's Limited Objection to Sale Approval Filed by George Troicky [[Docket No. 425](#) – filed September 14, 2023]
- D. Joinder to Lead Plaintiff's Limited Objection and Limited Objection of the RIDE Investor Group to Sale Approval [[Docket No. 486](#) – filed September 29, 2023]
- E. Objection by the United States to the Debtors' Sale Motion [[Docket No. 545](#) – filed October 12, 2023]

- F. Objection of Cigna Health and Life Insurance Company to Notice of (I) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases and (II) Cure Amounts [[Docket No. 338](#) – filed August 28, 2023]
- G. Oracle's Limited Objection to and Reservation of Rights Regarding Debtors' Sale Motion and Related Notice of (I) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases and (II) Cure Amount [[Docket No. 368](#) – filed September 5, 2023]

Cure Objections Received:

- A. Informal comments from GAC R&D Center Detroit, LLC
- B. Informal comments from CEVA Logistics US, Inc.
- C. Response and Reservation of Rights Regarding Notice of Potential Assumption and Assignment Filed by Elaphe Propulsion Technologies Ltd. [[Docket No. 349](#) – filed August 30, 2023]
- D. Objection and Reservation of Rights of Foxconn EV Property Development LLC and Foxconn EV System LLC with Respect to Debtors' Notice of (I) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases and (II) Cure Amounts [[Docket No. 389](#) – filed September 8, 2023]
- E. Limited Objection and Reservation of Rights to Debtors' Notice of (I) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases and (II) Cure Amounts Filed by Applied Medical Resources Corp. [[Docket No. 519](#) – filed October 5, 2023]
- F. Elaphe Propulsion Technologies Ltd.'s Response and Reservation of Rights Regarding Debtors Supplemental Notice of Potential Assumption and Assignment [[Docket No. 540](#) – filed October 11, 2023]
- G. Objection of Nexteer Automotive Corporation to Debtors' Second Supplemental Notice of (I) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases and (II) Cure Amounts [[Docket No. 542](#) – filed October 11, 2023]

Related Documents:

- i. Notice of Debtors' Motion for Entry of an Order (I) (A) Establishing Bidding and Auction Procedures, (B) Scheduling Certain Dates with Respect Thereto, (C) Approving the Form and Manner of Notice Thereof, (D) Approving Contract Assumption and Assignment Procedures, and (E) Granting Other Related Relief; and (II) (A) Authorizing the Debtors to Enter into a Definitive Purchase Agreement and (B) Granting Other Related

Relief [D.I. 16] and Hearing Thereon [[Docket No. 73](#) - filed June 28, 2023]

- ii. Order (A) Establishing Bidding and Auction Procedures, (B) Scheduling Certain Dates with Respect Thereto, (C) Approving the Form and Manner of Notice Thereof, (D) Approving Contract Assumption and Assignment Procedures, and (E) Granting Other Related Relief [[Docket No. 237](#) – filed August 8, 2023]
- iii. Notice of Auction and Sale Hearing [[Docket No. 241](#) – filed August 10, 2023]
- iv. Notice of (I) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases and (II) Cure Amounts [[Docket No. 280](#) – filed August 21, 2023]
- v. Notice of Filing of Form Asset Purchase Agreement in Connection with Proposed Sale of Substantially all of the Debtors' Assets [[Docket No. 320](#) – filed August 24, 2023]
- vi. Affidavit of Publication re: Notice of Auction and Sale Hearing [[Docket No. 344](#) – filed August 28, 2023]
- vii. Notice of Certain Modified Dates and Deadlines in Connection with Sale Process [[Docket No. 418](#) – filed September 12, 2023]
- viii. Notice of Certain Further Modified Dates and Deadlines in Connection with Sale Process [[Docket No. 434](#) – filed September 19, 2023]
- ix. Second Notice of Certain Further Modified Dates and Deadlines in Connection with Sale Process [[Docket No. 475](#) – filed September 26, 2023]
- x. Supplemental Notice of (I) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases and (II) Cure Amounts [[Docket No. 482](#) – filed September 27, 2023]
- xi. Third Notice of Certain Further Modified Dates and Deadlines in Connection With Sale Process [[Docket No. 484](#) – filed September 29, 2023]
- xii. Notice of (I) Selection of Successful Bidder, (II) Cancellation of Auction, and (III) Sale Hearing [[Docket No. 488](#) – filed September 29, 2023]
- xiii. Second Supplemental Notice of (I) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases and (II) Cure Amounts [[Docket No. 492](#) – filed September 29, 2023]

Status: The Debtors have resolved the objections and cure objections of all parties except for the United States (objection item E), the Lead Plaintiff (objection item C), the Joinder (objection item D), and Elaphe (cure objection items C



& F). The hearing on this matter will go forward.

10. Motion of Rahul Singh for Relief to Defrauded Shareholders [[Docket No. 494](#) – filed September 29, 2023]

Response/Objection Deadline: October 11, 2023 at 4:00 p.m. (ET)

Responses/Objections Received:

- i. Debtors' Objection to Motion of Rahul Singh for Relief to Defrauded Shareholders [[Docket No. 538](#) – filed October 11, 2023]
- ii. The Official Committee of Unsecured Creditors' Objection to Motion of Rahul Singh for Relief to Defrauded Shareholders [[Docket No. 541](#) – filed October 11, 2023]
- iii. Joinder of the Official Committee of Equity Security Holders of Lordstown Motors Corp., et al. to the Debtors' Objection to Motion of Rahul Singh for Relief to Defrauded Shareholders [[Docket No. 543](#) – filed October 11, 2023]

Related Documents: None

Status: The hearing on this matter is going forward.

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Dated: October 16, 2023  
Wilmington, Delaware

<p><u>/s/ Morgan L. Patterson</u>  <b>WOMBLE BOND DICKINSON (US) LLP</b>  Donald J. Detweiler (DE Bar No. 3087)  Morgan L. Patterson (DE Bar No. 5388)  1313 North Market Street, Suite 1200  Wilmington, Delaware 19801  Telephone: (302) 252-4320  Facsimile: (302) 252-4330  don.detweiler@wbd-us.com  morgan.patterson@wbd-us.com</p> <p><i>Proposed Counsel to the Debtors and Debtors in Possession</i></p>	<p><b>WHITE &amp; CASE LLP</b>  Thomas E Lauria (admitted <i>pro hac vice</i>)  Matthew C. Brown (admitted <i>pro hac vice</i>)  Fan B. He (admitted <i>pro hac vice</i>)  200 South Biscayne Boulevard, Suite 4900  Miami, FL 33131  Telephone: (305) 371-2700  tlauria@whitecase.com  mbrown@whitecase.com  fhe@whitecase.com</p> <p>David M. Turetsky (admitted <i>pro hac vice</i>)  1221 Avenue of the Americas  New York, NY 10020  Telephone: (212) 819-8200  david.turetsky@whitecase.com</p> <p>Jason N. Zakia (admitted <i>pro hac vice</i>)  111 South Wacker Drive, Suite 5100  Chicago, IL 60606  Telephone: (312) 881-5400  jzakia@whitecase.com</p> <p>Roberto Kampfner (admitted <i>pro hac vice</i>)  Doah Kim (admitted <i>pro hac vice</i>)  RJ Szuba (admitted <i>pro hac vice</i>)  555 South Flower Street, Suite 2700  Los Angeles, CA 90071  Telephone: (213) 620-7700  rkampfner@whitecase.com  doah.kim@whitecase.com  rj.szuba@whitecase.com</p> <p><i>Counsel to Debtors and Debtors in Possession</i></p>
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